

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SIPPEL DEVELOPMENT CO., INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-46
)	
WESTERN SURETY COMPANY,)	Judge McVerry
)	Magistrate Judge Hay
Defendant.)	

O R D E R

AND NOW, this 4th day of October, 2005, after the plaintiff, Sippel Development Co., Inc., filed a Motion for Summary Judgment, and after a response to the Motion for Summary Judgment was filed by defendant, Western Surety Company, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's Motion for Summary Judgment [Docket No. 13] is DENIED.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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